



ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. O-04-1

SPONSORED BY:

- 1 **ORDINANCE**
- 2 **APPROVING RATES FOR WATER AND SEWER SERVICE FOR THE SERVICE**
- 3 **AREA OF THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY**
- 4 **AUTHORITY.**
- 5 Section 1 WATER AND SEWER RATES
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- 8 debt coverage; required monthly fixed charge
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1 1-1 SHORT TITLE.

2 This article will be known and may be cited as the "Albuquerque Bernalillo County
3 Water Utility Authority Water and Sewer Rate Ordinance."

4 1-2 COMPUTATION OF REVENUES, EXPENSES AND DEBT SERVICE;
5 DETERMINATION OF DEBT COVERAGE; REQUIRED MONTHLY FIXED CHARGE.

6 (A) Definition of Terms.

7 AUTHORITY. The Albuquerque Bernalillo County Water Utility Authority.

8 CURRENT DEBT SERVICE REQUIREMENT. Payments into a current debt
9 service account for current interest or current principal retirements as required by
10 ordinances authorizing the issuance of bonds to be paid from the net revenues of the
11 systems.

12 CUSTOMER. Any person, association, corporation or other entity receiving
13 Utility service in the Service Area.

14 EXECUTIVE DIRECTOR. The Executive Director of the Authority.

15 EXPENSES. All expenses necessary for the operation and maintenance of the
16 water and sewer systems, excluding depreciation and payments in lieu of taxes and
17 expenditures for capital items.

18 FISCAL YEAR. July 1 through June 30.

19 REVENUES. For this purpose revenues will include all charges for current water
20 and sewer service, income from miscellaneous services or property, interest on
21 investments of the Joint Water and Sewer Funds, connection fees, and interest on
22 notes or other receivables.

23 SERVICE AREA. All parts of Bernalillo County now existing which now or in
24 the future may be served by the Authority.

25 UEC. Utility expansion charge.

26 UTILITY. The water and wastewater facilities and all operations and
27 management of such facilities necessary to provide water and wastewater service in the
28 Service Area.

29 WINTER MEAN. For residential customers with service sizes 1 through 4, the
30 average monthly water use for the months of December, January, February and March,
31 by service size. For all other customers, the average monthly water use for the months
32 of December, January, February and March for each account.

1 (B) Computation of Revenues, Expenses and Debt Service. At the end of
2 each quarter of the fiscal year a determination will be made as to the total revenues,
3 expenses and current debt service requirements of the system in accordance with
4 definitions in §1-2(A). The determination will be made by the end of the first month
5 following the end of each quarter. The results of the determination will be transmitted to
6 the Authority.

7 (C) Increasing Minimum Monthly Fixed Charges. If the determination of §1-
8 2(B) above shows that the total revenues minus the expenses of the system are less
9 than 133% of the current debt service for the cumulative quarter of the fiscal year, the
10 fixed monthly charge will be increased for water and sewer accounts. The increase in
11 fixed monthly charges will be a percentage of the established fixed monthly charges that
12 produce additional revenues so that if the adjusted charges had been effective the
13 previous quarter, the total revenues would have been sufficient to pay operating
14 expenses and 133% of current debt service. The increased fixed monthly charge will
15 be effective the second month following the quarter (i.e., the month following the
16 determination), and will remain in effect until such time as the Authority acts on water
17 and sewer rates. If the determination of §1-2(B) above shows the total revenues minus
18 the expenses of the system are less than 133% of the current debt service for the
19 cumulative quarter of the fiscal year, it shall be determined if the revenue loss is due to
20 efforts of utility Customers to conserve water by reviewing usage patterns. If the usage
21 study shows that the reduced revenues are due to conservation efforts, the Executive
22 Director shall analyze the Utility's operations for the purpose of determining whether or
23 not corresponding expense reductions can be effected and shall present any such
24 expense reduction proposals to the Authority.

25 (D) Increasing Water Commodity Charges. If the quarterly analysis of power
26 cost related to water pumping shows that costs are increasing or decreasing, the
27 Executive Director is authorized to adjust the water commodity charge to reflect the
28 change. An adjustment in the commodity charge will only be made if the needed
29 commodity charge adjustment is \$0.01 or greater, and shall be in \$0.01 increments.

30 (E) General Procedural Provisions.

31 (1) The Executive Director may enact regulations to carry out the
32 purposes of this Ordinance. Proposed regulations and amendments to regulations shall
33 be enacted only after publishing legal notice of a hearing once a week for two

1 consecutive weeks in a daily newspaper of general circulation in the Service Area prior
2 to a public hearing held to receive comments on the proposed regulations. In addition,
3 the Authority shall publish legal notice in Spanish at least once in an appropriate
4 newspaper in general circulation in the Service Area. A hearing officer appointed by the
5 Executive Director shall conduct hearings on proposed regulations and make findings,
6 conclusions and recommendations to the Authority after considering all public
7 comments.

8 (2) Changes in rates or charges for water and sewer may be enacted
9 by the Authority only after publishing legal notice of hearing once a week for two
10 consecutive weeks in a daily newspaper in the Service Area prior to a public hearing
11 held to receive comments on the proposed changes. In addition, the Authority shall
12 publish legal notice in Spanish at least once in an appropriate newspaper in general
13 circulation in the Service Area. The Authority may hold such hearing itself or may
14 appoint a hearing officer to conduct the hearing and make findings, conclusions and
15 recommendations to the Authority.

16 1-3 WATER RATES.

17 (A) Definitions. As used in this section, unless the context otherwise
18 requires:

19 CUSTOMER CLASSIFICATIONS Include:

20 (1) RESIDENTIAL. Single-family detached, townhouses, duplexes or
21 triplexes served by common or individual meters; mobile homes served by individual
22 meters.

23 (2) COMMERCIAL. Multi-family residential not included in the
24 "residential" classification, mobile home parks served by common meter(s), retail,
25 offices, hotels, motels, shopping centers, none of which use process water in the
26 conduct of business.

27 (3) INDUSTRIAL. Manufacturing, or process facility which is engaged
28 in producing a product.

29 (4) INSTITUTIONAL. Government buildings, hospitals, schools, and
30 other facilities that provide public and quasi-public services.

31 WATER CREDIT ELIGABILITY AND PROCEDURES.

32 (1) Single-family detached, townhouses, duplexes or triplexes served
33 by common or individual meters; mobile homes served by individual meters; but limited

to those Customers who own the dwelling in which they reside and qualify under the United States Department of Housing and Urban Development income guidelines.

(2) The Executive Director shall establish procedures regarding certification for water credits and shall periodically make administrative changes to the income guidelines as circumstances require.

(B) Metered Water Service.

(1) The rates and compensation to be paid to the Authority for public and private use of water supplied by the Authority for any and all purposes shall be in accordance with the following schedule of charges. In addition to this Fixed Monthly Charge, there shall be a Strategy Implementation Fixed Monthly Charge, section (B)(2), which shall be dedicated to the Sustainable Water Supply Program in Fund 622.

Fixed Monthly Charge - Metered Service (Commencing July 1, 2004)

Service Size	Customer Classification			
	Residential	Commercial	Industrial	Institutional
5/8 x 3/4	\$6.04	\$10.59	\$30.24	\$9.62
1 x 1	9.98	18.05	53.04	16.34
1 x 1 1/4	15.03	27.62	82.27	24.94
1 1/2 x 1 1/2	21.16	39.31	117.92	35.45
2 x 2	36.84	69.10	208.82	62.24
3 x 3	81.64	154.21	468.66	138.81
4 x 4	144.34	273.29	832.26	245.94
6 x 6	323.55	613.75	1,871.62	552.18
8 & over	574.45	1,090.38	3,326.59	980.90

(2) Beginning July 1, 2004 in addition to the Fixed Monthly Charge in §1-3(B), the rates and compensation to be paid to the Authority for public and private use of water supplied by the Authority within the Service Area for any and all purposes shall be in accordance with the following schedule of charges. This Strategy Implementation Fixed Monthly Charge shall be dedicated to the Sustainable Water Supply Program in Fund 622 to fund the implementation, operation and maintenance of the Water Resources Management Strategy, which will develop the Authority's surface water supplies. Any interest earned on these dedicated funds shall be used only for this purpose.

Fixed Monthly Charge - Metered Service Strategy Implementation (Commencing July 1, 2004)

Service Size	Customer Classification			
	Residential	Commercial	Industrial	Institutional
5/8 x 3/4	\$3.58	\$3.95	\$5.56	\$3.87
1 x 1	6.34	6.99	9.87	6.85
1 x 1 ¼	9.88	10.90	15.41	10.68
1 ½ x 1 ½	14.20	15.67	22.16	15.35
2 x 2	25.21	27.81	39.35	27.26
3 x 3	56.67	62.55	88.50	61.28
4 x 4	100.71	111.17	157.28	108.90
6 x 6	226.56	250.10	353.88	245.01
8 & over	402.74	444.60	629.10	435.54

(C) Unmetered Water Service.

(1) For service connections to the utility for private fire protection.

Applicable to all service through which water is used solely for extinguishing accidental fires.

Fixed Monthly Charge

Service Size	Service Area
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(inches)

2	\$ 4.40
3	6.60
4	8.80
6	16.50
8	25.30
10	35.20
12	51.70

(2) Unmetered water service for any purpose other than standby fire protection will be a violation of this article and subject to the penalties specified herein; except by written agreement approved by the Executive Director.

(D) Private Use of Fire Hydrants.

(1) Connections to fire hydrants at any location are prohibited except by the Albuquerque and Bernalillo County Fire Department or by written permit issued

by the Executive Director, The fees per hydrant shall be effective July 1, 2004, and are as follows:

(a) The nonrefundable connection fee is \$205 for each Special Use Permit issued.

(b) A damage deposit of \$3,000.00 for each hydrant meter is required at the time the permit is issued. All or a portion of the damage deposit will be refunded depending upon the cost of repairing the meter when it is turned back to the Utility from the Customer. The Utility will perform the repair work and compute the time and materials necessary to rehabilitate the meter.

(c) All Special Use Permit holders shall pay a monthly maintenance fee of \$60. This monthly fee shall not be prorated.

(2) All water withdrawn from a fire hydrant shall be charged at the current commodity rate. Connections to fire hydrants in violation of this article will be subject to the penalties specified herein and shall be considered an illegal connection and be subject to hydrant meter confiscation.

(E) Water Commodity Charge.

(1) (a) In addition to the Fixed Monthly Charge, all water used by a Customer within the Service Area for any purpose whatsoever shall be charged at the rate of \$0.834 per unit (one unit equals 100 cubic feet). In addition, there shall be a charge, added to this commodity charge, of the amount necessary to compensate the Authority for the water conservation fee charged by the state and for the Sustainable Water Supply Program in Fund 622, §1-3(E)(2). This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(b) Included in the commodity charge is a \$0.088 charge per unit that will be dedicated to the Water Resources Management Program in Fund 621 to fund the Ground-Water Protection Policy and Action Plan, the Water Conservation Program, Water Resources Management Planning and Arsenic Investigations. All interest earned on these dedicated funds shall be used only for this purpose.

(2) Beginning July 1, 2004, in addition to the fixed monthly charges and the Commodity Charge, §1-3(E)(1)(a), all water used by a Customer within the Service Area for any purpose whatsoever shall be charged at the rate of \$0.371 per unit (one unit equals 100 cubic feet). This charge per unit will be dedicated to a Sustainable Water Supply Program in Fund 622 to fund the Water Resources Management

1 Strategy. Any interest earned on these dedicated funds shall be used only for this
2 purpose. The San Juan-Chama rate revenue to the Water Sustainability Fund 622 shall
3 be re-evaluated when the debt service payments peak to determine whether the water
4 rates can be reduced at that time.

5 (3) Bills may be based on the estimated average annual water use in
6 units, annualized and divided by 12 months, plus the fixed monthly charge. Any special
7 charges, such as UEC, shall be included on the bill. The Executive Director may
8 administratively adjust bills periodically by crediting and debiting accounts as
9 appropriate if errors have been found and verified.

10 (4) (a) Beginning July 1, 2004, surcharges for irrigation-only water
11 accounts shall be assessed based upon an annual irrigation budget allowance
12 established for such accounts, in accordance with the City of Albuquerque's Water
13 Waste and Landscaping Ordinance Section 6-1-1-1 et seq. ROA or successor
14 ordinance. For usage in excess of the annual irrigation budget allowance, an annual
15 surcharge amount shall be added to the account and shall be based on 50% of the
16 commodity rate shown in §1-3(E)(1)(a) and §1-3(E)(2) for the usage in excess of the
17 irrigation budget allowance.

18 (b) Beginning July 1, 2004, the surcharge amount added for
19 each unit exceeding 300% of the Winter Mean water usage as calculated in §1-
20 3(E)(4)(b), §1-3(E)(4)(c), and §1-3(E)(4)(d) shall be equal to 50% of the commodity
21 charges in §1-3(E)(1)(a) and §1-3(E)(2), and shall be added to the base commodity
22 charge, the water conservation fee charged by the state, and the Sustainable Water
23 Supply charge per unit.

24 (c) Beginning July 1, 2004, a second tier surcharge for each unit
25 exceeding 400% of the winter mean water usage as calculated in §1-3(E)(4)(b), §1-
26 3(E)(4)(c), and §1-3(E)(4)(d) above shall be equal to 50% of the commodity charges in
27 §1-3(E)(1)(a) and §1-3(E)(2), and shall be added to the total charge determined in §1-
28 3(E)(4)(b) during the following months of April through October.

29 (d) Beginning July 1, 2004, for residential class Customers only
30 having service sizes 1 through 4, a 5% discount shall be applied to the commodity
31 charges in §1-3(E)(1)(a) and §1-3(E)(2) for water usage during the months of April
32 through October which is 150% or less than the Winter Mean water usage.

(5) For all Customers subject to the water budget provisions of the City of Albuquerque Water Conservation Landscaping and Water Waste Ordinance, Section 6-1-1-1 et seq., ROA 1994 or successor ordinance, the excess use surcharge rate shall be equal to 50% of the commodity charge in §1-3(E)(1)(a) plus the Sustainable Water Supply charge per unit in Item §1-3(E)(2). The second tier surcharge will also equal 50% of the commodity charge in §1-3(E)(1)(a) plus the Sustainable Water Supply charges per unit and shall be added to the potable water commodity rate.

(F) Multiple Meter Service. Customers with service by more than one meter to any premises shall be charged the applicable fees associated with each meter except for single-family residential Customers who have two meters, of which one is used for irrigation. The monthly fixed charge for these single-family residential Customers will be based on the largest meter at the single-family residence.

(G) Water Credit. Effective July 1, 2004, for those accounts included within the Water Credit classification, a credit of \$10.31 per month will be applied to their billing; the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge as set forth in this article.

(H) Tag and Testing Charge. When a Customer disputes meter accuracy, a "Tag & Test" service will be done after all the steps taken by the Utility have been exhausted and if requested in writing by the legal property owner or his/her authorized representative. The meter in question will be removed and a new one installed so that service can be maintained. The removed meter will be bench tested by the Utility in accordance with AWWA Standard C705. Should the meter fail the accuracy test, there would be no charge to the requestor.

Service Size Tag and Testing Charge Service Commencing July 1, 2004

3/4"	\$140
1"	185
1-1/2"	380
2"	455

(I) Effective July 1, 2004, the Customer utility statements shall contain the following itemized element: "Sustainable Water Supply: \$`x,' where `x' shall be the cost of the rate increase to fund the implementation of the Water Resources Management Strategy.

(J) Customer utility statements shall contain the following itemized element:
"Facility Rehabilitation: \$`x,' where `x' shall be the cost of the rate increase to fund facility rehabilitation."

(K) Real property owners receiving water service from the Utility are responsible for hiring a qualified plumber to connect their private service line to the Utility's system at the point of metered service.

1-4 NON-POTABLE WATER RATES.

(A) Definitions. Refer to §1-3 Water Rates for the definitions of Customer Classifications, which apply to this Section.

(B) Metered Service. The rates and compensation to be paid to the Authority for public and private use of non-potable water supplied by the Utility within the Service Area for any and all purposes shall be in accordance with the schedule of charges listed in §1-3(B) for potable water metered service.

(C) Commodity Charge.

(1) Beginning July 1, 2004, in addition to the Fixed Monthly Charge, all non-potable water used by a Customer within the Service Area shall be charged at the rate corresponding to 80% of the potable water commodity rate (one unit equals 100 cubic feet). This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(2) Bills may be based on the estimated average annual non-potable water use by units, annualized and divided by 12 months, plus the fixed monthly charge. Any special charges, such as UEC, shall be included on the bill. The Executive Director may administratively adjust bills periodically by crediting and debiting accounts as appropriate if errors have been found and verified.

(3) For all Customers subject to the water budget provisions of the City of Albuquerque Water Conservation Landscaping and Water Waste Ordinance, Section 6-1-1-1 et seq., ROA 1994 or successor ordinance the excess use surcharge rate shall be \$0.21 per unit and shall be added to the non-potable commodity rate.

(4) Under certain conditions, the Authority may initiate a contract to provide economic development incentives for commercial/industrial Customers by charging a lower commodity rate for non-potable water, but in no case shall the rate be less than 50% of the potable water commodity rate.

1 (D) Multiple Meter Service. Customers with non-potable water service by
2 more than one meter to any premises shall be charged the applicable fees associated
3 with each meter.

4 (E) Tag and Testing Charge. Refer to §1-3 (H) for applicable provisions and
5 charges.

6 (F) Utility Expansion Charge (UEC).

7 (1) A utility expansion charge shall be paid to the Authority at the time
8 of non-potable meter sale or application for non-potable water service for all new
9 services connecting to the non-potable water system. The UEC may be paid in full at
10 the time of non-potable service application, or paid over time with an initial minimum of
11 5% down payment. The balance shall be subject to a fixed monthly charge to include a
12 carrying charge set at 7% per annum. On all connections, the balance shall be paid in
13 full within 120 months.

14 (2) The UEC for non-potable water service shall be the same as the
15 UEC for potable water service. Refer to §1-8 (A) for applicable provisions and charges.

16 (3) Existing water Customers wishing to receive non-potable water
17 shall not be charged a UEC unless the new combined potable and non-potable system
18 capacity exceeds the Customer's previous existing potable system capacity.

19 (4) Redundant potable water and non-potable water metered services
20 are not required for non-potable service.

21 (G) Non-potable Water Meter and Service Installation Fees. Refer to §1-9 for
22 applicable provisions and charges.

23 1-5 SEWER RATES.

24 (A) Definitions. For the purpose of this section, the following definitions shall
25 apply unless the context clearly indicates or requires a different meaning.

26 BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in
27 the biochemical oxidation of organic matter by Standard Methods procedures in five
28 days at 20° C. expressed in milligrams per liter (mg/l).

29 CLEANOUT. A tee section in the sanitary sewer located outside any structure
30 accessible 24 hours a day and constructed according to the Utility's standard detail.

31 COD or CHEMICAL OXYGEN DEMAND. A measure of the oxygen-consuming
32 capacity of organic and inorganic matter present in wastewater as milligrams per liter
33 (mg/l), by Standard Methods procedures.

NH₃N OR AMMONIA NITROGEN. Total Ammonia – A measure of the total ammonia as nitrogen concentration as milligrams per liter (mg/L) by Standard Methods or EPA approved procedures.

CUSTOMER CLASSIFICATIONS.

(1) RESIDENTIAL. Single family detached units, townhouses, duplexes or triplexes served by common or individual meters; mobile homes served by individual meters.

(2) COMMERCIAL. Multi-family residential not included in the "residential" classification, mobile home parks served by common meter(s), retail, offices, hotels, motels, shopping centers, none of which use process water in the conduct of business.

(3) INDUSTRIAL. A manufacturing or process facility which is engaged in producing a product.

(4) INSTITUTIONAL. Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

(5) WHOLESALE-SPECIAL CONTRACTS. Contract Customers that are responsible for a collection system beyond the point where their respective wastewater discharges into the Authority's interceptors.

(6) KIRTLAND AIR FORCE BASE (KAFB).

(7) NEW MEXICO UTILITIES, INC. (NMUI).

INDUSTRIAL LIQUID WASTES. All waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing of food processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

LATERAL SEWER. An individual user's sewer pipe beginning at the public sewer and extending to the premises actually served. The lateral sewer includes the stub to which a user connects to the public sewer and all appurtenances on such lateral sewer. The user is responsible for the maintenance of the lateral sewer including those portions that may be within any right-of-way. The term is interchangeable with "house service connection," "sewer service line," or "building sewer."

NORMAL DOMESTIC WASTEWATER. Effluent which contains constituents and characteristics similar to effluent from a residence and specifically for the purposes of

1 this article does not contain BOD, COD, NH3N and TSS in excess of the following
2 concentration:

3 BOD -- 250 mg/l

4 COD -- 500 mg/l

5 TSS -- 330 mg/l

6 NH3N – 25 mg/l

7 PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as
8 defined by Section 212 of the Clean Water Act, (33 USC 1292) which is owned by the
9 Authority. The term also includes Authority works, as defined in Section 502 of the
10 Clean Water Act, (33 USC 1362) which has jurisdiction over the indirect discharges to
11 and the discharges from such a treatment works. The "treatment works" includes all
12 plants, sanitary sewers, lift stations, odor control stations, and all other properties, now
13 or hereafter existing, used or useful in connection with the collection, pumping, disposal
14 and treatment of wastewater, as now or hereafter added to, expanded or improved.

15 SEWER CREDIT. Single-family detached, townhouses, duplexes or triplexes
16 served by common or individual meters; mobile homes served by individual meters; but
17 limited to those Customers who own the dwelling in which they reside and qualify under
18 the United States Department of Housing and Urban Development income guidelines.

19 STANDARD METHODS. The laboratory procedures set forth in the latest
20 edition, at the time of analysis, of Standard Methods for Examination of Water and
21 Wastewater, as prepared, approved and published jointly by the American Public Health
22 Association and American Water Works Association and the Water Pollution Control
23 Federation.

24 TOTAL SUSPENDED SOLIDS or TSS. Those solids which are retained by a
25 standard glass fiber filter and dried to constant weight at 103 – 105° C. expressed in
26 milligrams per liter (mg/l), by Standard Methods procedures.

27 WASTEWATER. The used water of a community. Such used water may be a
28 combination of the liquid waterborne wastes from residences, commercial buildings,
29 industrial plants and institutions.

30 (B) Methodology and Calculation of Rates and Charges

31 (1) The rates and charges described in this ordinance are developed in
32 conformance with standard cost-of-service rate making principles as recommended by

the American Water Works Association, the Water Environment Federation, and the United States Environmental Protection Agency (USEPA).

(2) The Authority's rates and charges are calculated based on each customer classification's use of the system. Historical billed flows by classification and a systematic allocation of operation, maintenance, and capital costs were used to calculate the schedule of charges contained in this ordinance.

(C) Fixed Monthly Charge.

(1) The rates and compensation to be paid to the Authority for public or private use by discharge of liquid waste into the Utility within the Service Area for any and all purposes whatsoever shall be in accordance with the following schedules of charges. The fixed monthly charge for Customers with Authority water service shall be based on the water service size. The fixed monthly charge for Customers without Authority water service shall be based on the liquid waste flow. Liquid waste flow will be calculated in accordance with the methodology set forth in the commodity charge section of §1-5(D).

(2) For Customers with water service:

Fixed Monthly Charges for Retail Customers (Commencing July 1, 2004)

Meter Size	Residential	Commercial	Industrial	Institutional	Wholesale-Special Contract
5/8"	\$8.00	\$12.35	\$41.96	\$7.16	\$9.37
1"	13.01	20.45	71.08	11.58	15.36
1-1/4"	13.01	20.45	71.08	11.58	15.36
1-1/2"	53.42	85.82	306.13	47.21	63.66
2"	133.04	214.60	769.14	117.40	158.80
3"	178.20	287.63	1,031.74	157.21	212.76
4"	379.70	613.55	2,203.60	334.86	453.57
6"	505.70	817.34	2,936.30	445.93	604.13
8" or More	899.02	1,453.51	5,223.69	792.69	1,074.17

Fixed Monthly Charges for KAFB & NMUI (Commencing July 1, 2004)

Item	KAFB	NMUI
Per Month	\$43,490.46	\$91,559.73

For Customers without water service:

1 Fixed Monthly Charges for Customers Without Authority Water Service (Commencing
2 July 1, 2004)

3 Liquid Waste Flow (CCF)	Residential	Commercial	Industrial	Institutional
4 0-10	\$8.00	\$12.35	\$41.96	\$7.16
5 11-19	13.01	20.45	71.08	11.58
6 20-63	53.42	85.82	306.13	47.21
7 64-82	133.04	214.60	769.14	117.40
8 83-343	178.20	287.63	1,031.74	157.21
9 344-599	379.70	613.55	2,203.60	334.86
10 600-803	505.70	817.34	2,936.30	445.93
11 804-over	899.02	1,453.51	5,223.69	792.69

12 (D) Commodity Charge. Beginning July 1, 2004, all wastewater discharge shall
13 be charged on the basis of the Commodity Charges for Retail and Special Customers
14 rate table on a per unit basis (one unit equals 100 cubic feet).

15 Commodity Charges for Retail and Special Contract Customers

16 Customer Class	Base (\$/CCF)	Rehabilitation (\$/CCF)	Total Commodity (\$/CCF)
17 Retail Customers			
18 Residential	\$0.615	\$0.200	\$0.815
19 Commercial	0.615	0.200	0.815
20 Industrial	0.615	0.200	0.815
21 Institutional	0.615	0.200	0.815
22 Special Contracts			
23 Wholesale	\$0.435	\$0.138	\$0.573
24 KAFB	0.435	0.138	0.573
25 NMUI	0.435	0.138	0.573

26 (1) Customers With Water Service. The commodity charge for usage
27 during the months of December, January, February and March (winter months) shall be
28 based upon 95% of the metered or estimated volume of water usage during each of
29 these months for each account. The commodity charge for usage during other months
30 shall be based upon 95% of the metered or estimated volume of water usage during
31 that month or shall be based upon 95% of the prior winter months' average, whichever
32 is less for each account. The winter months' average is determined by averaging the
33 metered or estimated volume of water used during the winter months.

1 (2) Customers Without Water Service. The volume of wastewater
2 discharge shall be determined by the physical measurement at the expense of the
3 customer; however, where accurate and reasonable estimates can be made by
4 statistical methods, such estimates shall be considered the volume of discharge upon
5 which the commodity charge is based. The Utility expressly reserves the right to
6 determine the estimated wastewater volume for any customer without water service,
7 which determination may be appealed to the Executive Director.

8 (3) Special Wastewater Discharge Volume. The Authority recognizes
9 that sewage discharge patterns for individual Customers may vary to a great extent
10 from the norms of any particular class; therefore, any Customer may, at their own
11 expense, provide the Authority with sewage flow data for consideration of a special
12 wastewater discharge volume. Such data shall be certified by an engineer registered in
13 the state. The Authority expressly reserves the right to determine the estimated
14 wastewater volume for any Customer, which determination may be appealed to the
15 Executive Director.

16 (D) Extra-Strength Surcharge.

17 (1) All Customers discharging wastewater into the POTW are subject
18 to a surcharge if the discharged wastewater exceeds normal domestic wastewater
19 strength. NORMAL STRENGTH is defined as:

20 (a) Chemical Oxygen Demand (COD) less than or equal to 500
21 mg/l; and

22 (b) Biochemical Oxygen Demand (BOD) less than or equal to
23 250 mg/l; and

24 (c) Total Suspended Solids (TSS) less than or equal to 330
25 mg/l; and

26 (d) Ammonia Nitrogen (NH₃N) less than or equal to 25 mg/l.

27 (2) The Utility shall determine strength as defined by the above
28 parameters in §1-5(D)(1) above. The procedures are described (H) below. If it is
29 determined that the wastewater strength exceeds the limits specified, a surcharge shall
30 be levied at the rate of:

31 (a) \$.11 per pound of COD for the excess of 500 mg/l of COD;
32 and

33 (b) \$.23 per pound of BOD for the excess of 250 mg/l BOD; and

1 (c) \$.19 per pound of TSS for the excess of 330 milligrams per
2 liter of TSS; and

3 (d) \$.47 per pound of NH₃N for the excess of 25 mg/l of NH₃N.

4 (3) The Authority shall promulgate regulations to carry out the
5 provisions of the extra-strength surcharge.

6 (E) Septic Tank Truck Discharge. No user owning vacuum or "cesspool" type
7 pumping trucks or other liquid waste transport trucks shall discharge such waste into the
8 POTW, unless such person shall first have applied for and received a Septic Tank
9 Discharge or Chemical Toilet Discharge Permit from the Executive Director pursuant to
10 the regulations "Establishing Administrative Policies and Fees for the Discharge of
11 Septic Tank and Chemical Toilet Wastes" currently adopted by the Authority.

12 (F) Sewer Use Regulations. City of Albuquerque Section 6-3 et seq., ROA
13 1994 (Sewer Use and Wastewater Control) or successor ordinance, shall govern all
14 discharges of wastewater to the POTW.

15 (G) Sampling; Metering Manhole Requirements. When required by the Utility,
16 the owner of property serviced by a lateral sewer carrying industrial liquid wastes shall
17 install a suitable control manhole or cleanout together with such necessary meter and
18 other appurtenances in the lateral sewer to facilitate observation, sampling, and
19 measurement of the wastes. Such monitoring locations shall be accessible, safely
20 located, and constructed in such a manner as to prevent infiltration of ground and
21 surface waters. They shall be constructed in accordance with plans approved by the
22 Utility. The Utility has established standard details. The monitoring location and all
23 equipment shall be installed by the owner at his expense, and shall be maintained by
24 him so as to be safe and accessible at all times.

25 (H) Sampling and Testing Procedures.

26 (1) All dischargers subject to monitoring according to City of
27 Albuquerque Section 6-3 et seq., ROA 1994 (Sewer Use and Wastewater Control), will
28 be monitored by the Authority. The discharge will be sampled and tested for
29 compliance with Section 6-3 et seq., ROA 1994 (Sewer Use and Wastewater Control),
30 and to determine the surcharge amount.

31 (2) All measurements, tests and analysis of the characteristics of
32 waters and wastes shall be determined in accordance with the latest edition of Standard
33 Methods for the Examination of Water and Wastewater, published jointly by the

1 American Public Health Association and Water Pollution Control Federation, and the
2 American Waterworks Association.

3 (3) Sampling shall be carried out by customarily accepted methods.
4 The particular analyses involved will determine whether a 24-hour composite of all
5 outfalls of a premise is appropriate or whether a grab sample or samples should be
6 taken. Normally, but not always, BOD, COD, NH3N and TSS analyses are obtained
7 from 24-hour composites of all outfalls.

8 (4) Those industries suspected of discharging either high COD, BOD,
9 NH3N wastes or high TSS wastes shall be sampled for five consecutive days by grab
10 samples or 24-hour composite samples from a Utility manhole. If COD results exceed
11 500 mg/l, BOD results exceed 250 mg/l, NH3N results exceed 25 mg/l, or TSS results
12 exceed 330 mg/l on any of the three of the five consecutive days, or in any of the 24-
13 hour composite samples, a sampling manhole will be required for industries discharging
14 greater than 50,000 gallons per day or if required by City of Albuquerque Section 6-3 et
15 seq., ROA 1994 (Sewer Use and Wastewater Control) or successor ordinance. Upon
16 installation of the sampling manhole, an automatic sampler with attached flow meter will
17 be used to gather a flow weighted composite which shall be used to compute a monthly
18 surcharge. Industries discharging less than 50,000 gallons per day and not otherwise
19 requiring a sampling manhole will be required to install a cleanout and an automatic
20 sampler will be used to gather a time-weighted composite which shall be used to
21 compute a monthly surcharge. Pretreatment may be required according to City of
22 Albuquerque Section 6-3 et seq., ROA 1994 (Sewer Use and Wastewater Control) or
23 successor ordinance.

24 (I) Sewer Credit. Effective July 1, 2004, for those accounts included within
25 the Sewer Credit classification, a credit of \$9.62 per month will be applied to their billing;
26 the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge
27 as set forth in this Ordinance.

28 (J) As soon as technically feasible, Customer utility statements shall contain
29 the following itemized element: "Facility Rehabilitation: \$`x,' where `x' shall be the cost
30 of the rate increase to fund facility rehabilitation."

31 1-6 WATER AND SEWER REHABILITATION FUND.

32 (A) Effective on July 1, 2004, an established portion of the revenue generated
33 by fixed water rates and the water commodity charge shall be distributed to a Water and

Sewer Rehabilitation Fund. The fixed rate portion of the water rates contained in §1-3 (B) which shall be distributed to the Water and Sewer Rehabilitation Fund are contained in the following schedule of charges. The portion of the water commodity rate to be distributed to the Water and Sewer Rehabilitation Fund shall be \$0.0845 per unit.

Fixed Water Rates (per month)

Service Size Meters Customer Classification

	Residential	Commercial	Industrial	Institutional
size 1: 3/4 or less	\$ 1.44	\$ 1.44	\$ 1.44	\$ 1.44
size 2: 1	2.56	2.56	2.56	2.56
size 3: 1-1/4	4.00	4.00	4.00	4.00
size 4: 1-1/2	5.76	5.76	5.76	5.76
size 5: 2	10.24	10.24	10.24	10.24
size 6: 3	23.04	23.04	23.04	23.04
size 7: 4	40.95	40.95	40.95	40.95
size 8: 6	92.16	92.16	92.16	92.16
size 9: 8 or more	163.84	163.84	163.84	163.84

(B) Effective on July 1, 2004, in addition to the portion of the commodity rate to be distributed to the Water and Sewer Rehabilitation fund as identified in §1-5(D) above, the following fixed rate portions of the sewer rates contained in §1-5 (C) shall be distributed to the Water and Sewer Rehabilitation Fund.

Fixed Monthly Rehabilitation Charges

Meter Size	Residential	Commercial	Industrial	Institutional	Wholesale-
Special Contract					
5/8"	\$0.69	\$1.11	\$4.00	\$0.61	\$0.82
1"	1.18	1.90	6.85	1.04	1.41
1-1/4"	1.18	1.90	6.85	1.04	1.41
1-1/2"	5.12	8.29	29.79	4.52	6.12
2"	12.89	20.86	74.99	11.37	15.41
3"	17.30	27.98	100.62	15.25	20.68
4"	36.97	59.80	215.01	32.59	44.18
6"	49.27	79.69	286.53	43.44	58.88
8" or More	87.66	141.79	509.81	77.28	104.76

Monthly Rehabilitation Charges for KAFB & NMUI

1	Item	KAFB	NMUI
2	Rehabilitation Charge	\$4,245.15	\$8,937.35

3 (C) Expenditures for the rehabilitation of water wells, pump stations,
4 reservoirs, service lines, other water lines, and gate valves from revenues in the Water
5 and Sewer Rehabilitation Fund shall not be less than \$11 million dollars per year. The
6 expenditures for rehabilitation of sewer lines, odor control stations, pumping stations
7 and treatment facilities shall not be less than \$11 million dollars per year.

8 (D) The distributions from water and sewer rates to the Water and Sewer
9 Rehabilitation Fund shall be reviewed every five years and updated as needed to adjust
10 for construction inflation, new capital inventory, rate increases and other factors.

11 1-7 WATER AND SEWER SYSTEM AND UTILITY FINANCIAL POLICIES.

12 (A) The term of each and every instrument of debt shall be 12 years or less;
13 except for sustainable water supply projects.

14 (B) At a minimum, 50% of the cost of capital projects which constitute the
15 normal capital program of the water and sewer system including the rehabilitation and
16 replacement of existing facilities, and the construction of water wells, pump stations,
17 reservoirs, service lines, other water lines, gate valves, revenue meters and meter
18 boxes, sewer lines, odor control stations, and pumping stations, and treatment facilities
19 shall be paid with cash rather than borrowed funds. The normal capital program
20 excludes special capital projects such as the expansion of the wastewater treatment
21 plants, arsenic mitigation, state and federal grant projects, state and federal mandated
22 projects, and related to water resources management to achieve a sustainable supply of
23 water (Sustainable Water Supply Fund - 622).

24 (C) At a minimum, 25% of the cost of capital projects not included in the
25 normal capital program of the water and sewer system shall be paid with cash rather
26 than borrowed funds. This policy shall not apply to the possible acquisition of other
27 operating water and wastewater utility systems.

28 (D) Utility Expansion Charge (UEC) revenues or those of successor
29 development fees in excess of \$6,000,000 per year shall be transferred to the Joint
30 Water and Sewer Capital Funds. The transfer of these funds shall be made in the fiscal
31 year following the assessment of the charges.

32 (E) Utility Expansion Charge rates shall be based on adopted policies of the
33 Authority.

(F) Appropriations of cash transfers from water and sewer utility operating funds or debt service funds to a Joint Water and Sewer Capital Fund shall be made in the amounts appropriated during the year for which the appropriations have been made.

1-8 UTILITY EXPANSION CHARGE (UEC).

(A) (1) A UEC charge will be paid to the Authority at the time of meter sale or application for service for all properties connecting to the water and/or wastewater system in accordance with the following schedule. Where water service does not exist and sewer service is to be taken and the sewer UEC is applicable, the charge shall be based upon the wastewater flow. A unit of flow is equal to 100 cubic feet.

Financing for Water UEC

Water Service Size	Water UEC Payment	Minimum Cash Down	Balance to be Financed
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5/8 x 3/4	\$1,419	\$71	\$1,348
1 x 1	2,526	126	2,400
1 x 1-1/4	5,677	284	5,393
1-1/2 x 1- 1/2	5,677	284	5,393
2 x 2	10,090	505	9,585
3 x 3	22,707	1,135	21,572
4 x 4	40,361	2,018	38,343
6 x 6	90,829	4,541	86,288
8 & over	161,477	8,074	153,403

Financing for Sewer UEC

Water Service Size	Liquid Waste Flow	Sewer UEC	Minimum Cash Payment	Balance to be Financed
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5/8 x 3/4	0 – 10	1,200	60	1,140
1 x 1	11 – 19	2,134	107	2,027
1 x 1-1/4	20 - 63	4,800	240	4,560
1-1/2 x 1- 1/2	20 - 63	4,800	240	4,560
2 x 2	64 - 82	8,533	427	8,106
3 x 3	83-343	19,200	960	18,240
4 x 4	344-599	34,133	1,707	32,426
6 x 6	600 – 803	76,800	3,840	72,960
8 & over	804 & over	136,534	6,827	129,707

(2) Effective for all connecting structures after July 1, 2004, the UEC may be paid in full or paid over time with an initial minimum of 5% down payment and the balance shall be subject to a fixed monthly charge to include a carrying charge set at 7% per annum. On all connections, the balance shall be paid in full within 120 months.

(3) The fixed monthly charge for the UEC shall run against the property and be the responsibility of any subsequent owner until paid in full. All monies collected through the imposition of the UEC, including the fixed monthly charge, shall be placed in a separate account to be used for financing the expansion for the water and sewer system.

(B) Reactivation of disconnected service. No refund of UEC will be made for a service downsizing. Reconnections requesting larger service than was originally installed shall pay UEC determined by subtracting the current charge for the original service size from the current charge for the new service size requested.

(C) Charges for multiple residential units:

(1) Requests for residential or commercial water and/or sewer service which will provide for more than one residential unit will pay UEC according to one of the following schedules:

(a) Apartment Complexes.

1. With 30 dwelling units or less shall pay 50% of the product of the total number of units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

2. With more than 30 dwelling units shall pay the amount given by the equation below:

$$\text{Equivalent Units} = (0.45) \times (\text{No. of Units}) + 1.49$$

$$\text{Total UEC} = (\text{Equivalent Units}) \times (5/8" \times 3/4" \text{ Meter UEC})$$

(b) Mobile Home Parks, regardless of size, shall pay 53% of the product of the total number of dwelling units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(c) Commercial service shall pay the larger of the following:

1. The water and/or sewer UEC as shown in §1-8(A).
2. 50% of the product of the number of equivalent residential units times the water and/or sewer UEC charge for a 5/8" x 3/4" meter.

(2) If the service requested necessitates modification and/or installation of additional facilities other than those already in existence and available to serve the property, then the cost of such modifications and/or additional facilities shall be applied and apportioned according to existing Authority policy.

(D) Effective July 1, 2004, in order to encourage low income homeowners to connect to the sanitary sewer system and thereby protect the ground water system, the UEC will be waived on single family residents meeting the following criteria; and

(1) The property owner's gross income shall not exceed 80% of median income adjusted for family size, pursuant to income level guidelines promulgated by the United States Department of Housing and Urban Development.

(2) In the event there are applications granted in excess of 100 in any fiscal year, those qualified applications exceeding this amount shall be processed in the following fiscal year. The Authority may adopt regulations and procedures to implement this provision.

1-9 SPECIFIC SERVICES.

Beginning July 1, 2004, fees for specific services shall be effective July 1, 2004 and are as follows:

(A) Metered Service Lines.

(1) 3/4" metered service line installation.

(a) 3/4" stub-out with plate and box, \$1,065

(b) 3/4" meter set with plate and box, \$410

(c) 3/4" meter set only, \$280

(d) Complete 3/4" service, \$1,245

(2) 1" metered service line installation.

(a) 1" stub-out with plate and box, \$1,140

(b) 1" meter set with plate and box, \$455

(c) 1" meter set only, \$325

(d) Complete 1" service, \$1,360

(3) 1 1/2" metered service line installation.

(a) 1 1/2" stub-out with plate and box, \$1,480

(b) 1 1/2" meter set with plate and box, \$660

(c) 1 1/2" meter set only, \$460

(d) Complete 1 1/2" service, \$1,845

- (4) 2" metered service line installation.
- (a) 2" stub-out with plate and box, \$1,605
 - (b) 2" meter set with plate and box, \$575
 - (c) 2" meter set only, \$375
 - (d) Complete 2" service, \$1,860
- (5) 3" metered service line installation.
- (a) 3" stub-out only with vault, \$4,470
 - (b) 3" stub-out with turbine meter and vault, \$6,200
 - (c) 3" stub-out with compound meter and vault, \$6,605
 - (d) 3" meter set only with turbine meter and vault, \$3,625
 - (e) 3" meter set only with compound meter and vault, \$4,030
 - (f) 3" stub-out only without vault, \$2,620
 - (g) 3" stub-out with turbine meter without vault, \$4,350
 - (h) 3" stub-out with compound meter without vault, \$4,760
 - (i) 3" meter set only with turbine meter without vault, \$1,775
 - (j) 3" meter set only with compound meter without vault, \$2,180
- (6) 4" metered service line installation.
- (a) 4" stub-out only with vault, \$4,345
 - (b) 4" stub-out with turbine meter and vault, \$6,560
 - (c) 4" stub-out with compound meter and vault, \$7,205
 - (d) 4" meter set only with turbine meter and vault, \$4,110
 - (e) 4" meter set only with compound meter and vault, \$4,755
 - (f) 4" stub-out only without vault, \$2,495
 - (g) 4" stub-out with turbine meter without vault, \$4,710
 - (h) 4" stub-out with compound meter without vault, \$5,355
 - (i) 4" meter set only with turbine meter without vault, \$2,265
 - (j) 4" meter set only with compound meter without vault, \$2,905
- (7) 6" metered service line installation.
- (a) 6" stub-out only with vault, \$5,360
 - (b) 6" stub-out with turbine meter and vault, \$8,665
 - (c) 6" stub-out with compound meter and vault, \$9,925
 - (d) 6" meter set only with turbine meter and vault, \$5,965
 - (e) 6" meter set only with compound meter and vault, \$7,225

- 1 (f) 6" stub-out only without vault, \$2,743
- 2 (g) 6" stub-out with turbine meter without vault, \$6,050
- 3 (h) 6" stub-out with compound meter without vault, \$7,310
- 4 (i) 6" meter set only with turbine meter without vault, \$3,350
- 5 (j) 6" meter set only with compound meter without vault, \$4,610
- 6 (8) 8" metered service line installation.
- 7 (a) 8" stub-out only with vault, \$6,295
- 8 (b) 8" stub-out with turbine meter and vault, \$11,130
- 9 (c) 8" stub-out with compound meter and vault, \$12,990
- 10 (d) 8" meter set only with turbine meter and vault, \$7,495
- 11 (e) 8" stub-out only without vault, \$3,680
- 12 (f) 8" stub-out with turbine meter without vault, \$8,515
- 13 (g) 8" stub-out with compound meter without vault, \$10,370
- 14 (h) 8" meter set only with turbine meter without vault, \$4,880
- 15 (9) 10" metered service line installation.
- 16 (a) 10" stub-out only with vault, \$7,115
- 17 (b) 10" stub-out with turbine meter and vault, \$13,620
- 18 (c) 10" stub-out with compound meter and vault, \$20,860
- 19 (d) 10" meter set only with turbine meter and vault, \$9,165
- 20 (e) 10" stub-out only without vault, \$4,500
- 21 (f) 10" stub-out with turbine meter without vault, \$11,005
- 22 (g) 10" stub-out with compound meter without vault, \$18,245
- 23 (h) 10" meter set only with turbine meter without vault, \$6,550
- 24 (10) 12" and larger: Contact the Utility for price quote.
- 25 (B) Fire Lines.
- 26 (1) 4" Fire Line, \$2,120
- 27 (2) 6" Fire Line, \$2,245
- 28 (3) 8" Fire Line, \$2,905
- 29 (4) 10" Fire Line, \$3,260
- 30 (C) Additional Charges; Service Line Installations.
- 31 (1) Meter concrete pad, \$180
- 32 (2) Asphaltic pavement removal and replacement.
- 33 (a) Short Cut (20 feet long), \$595

- 1 (b) Long Cut (30 feet long), \$750
- 2 (c) Additional, per square foot, \$7.50
- 3 (3) Sidewalk removal and replacement.
- 4 (a) Residential, \$350
- 5 (b) Commercial, \$470
- 6 (4) Curb and gutter removal and replacement per 6" section, \$555
- 7 (5) Drive pad removal and replacement.
- 8 (a) Residential, \$530
- 9 (b) Commercial, \$840
- 10 (6) Extra long service greater than 30'long (per foot).
- 11 (a) 3/4", \$18.15
- 12 (b) 1", \$18.55
- 13 (c) 1-1/2", \$19.80
- 14 (d) 2", \$20.25
- 15 (e) 3" and 4", \$18.60
- 16 (f) 6", \$20.35
- 17 (g) 8", \$23.20
- 18 (h) 10", \$28.60
- 19 (D) Meter Size Reduction Installation.
- 20 (1) 3/4" through 1-1/2", \$85
- 21 (2) 2", \$170
- 22 (3) 3" and larger, contact the Utility for price quote
- 23 (E) Nonpayment Delinquency Fee.
- 24 (1) 3/4", 1," and 1-1/4", \$45
- 25 (2) 1-1/2" through 10", \$60
- 26 (F) Taps to Water Mains. Includes setting of tapping sleeve and tapping valve,
- 27 but does not include excavation or setting of tapping saddle:
- 28 (1) 3/4" to 2" tap, \$330
- 29 (2) 3" to 10" tap, \$550
- 30 (G) Combined Fire-Domestic Meters.
- 31 (1) Requests for this type of metered service, which provide both fire
- 32 protection and domestic-irrigation service, may be made at the New Services Section of
- 33 Utility Development. Upon the satisfactory determination of peak flow water delivery

1 requirements, as certified by an engineer registered in the state, an equivalent meter
2 size will be determined for the service. Fixed monthly charges for private fire protection
3 shall also be applied commensurate with the degree of fire protection capacity being
4 provided.

5 (1) Fees for installation of this type of metered service shall be
6 determined in an individual basis dependent on the extent and sizing of the service
7 required.

8 1-10 PAYMENT.

9 All charges shall be payable at the office of the City Treasurer, City Hall,
10 Albuquerque, New Mexico, or other locations as designated by the Authority and will
11 become delinquent 15 days following the "due by" date on the Customer's utility
12 statement.

13 1-11 PENALTY FOR DELINQUENT ACCOUNTS.

14 A penalty of 1.5% per month may be imposed on all delinquent accounts.

15 1-12 RESPONSIBILITY OF PAYMENT, LIENS, AND DEPOSIT.

16 (A) The charges provided for herein are the personal responsibility of the
17 owner of the property served.

18 (B) The Authority may file a lien on such property for such charges including
19 any interest or penalties accruing on same.

20 (C) Reasonable deposits may be required of any Customer including tenants.
21 Such deposits shall draw reasonable interest.

22 1-13 DISCONTINUANCE OF SERVICE; HEARING.

23 (A) The Utility may cause the water supply to be turned off and discontinue
24 service to the property if any charge provided for herein remains unpaid for a period of
25 30 days from the "due by" date on the Customer's utility statement. Service may not be
26 discontinued for delinquencies of a previous owner.

27 (B) In order to discontinue service, a written notice shall be sent to the
28 Customer giving him at least ten days notice of the termination of service and notice of
29 his right to protest the Utility's action at a hearing.

30 (C) The Customer must request in writing that a hearing be held and such
31 request must be received by the Executive Director on or before the date the services
32 are to be terminated.

1 (D) At such hearing, the Customer may present evidence as the Utility and the
2 Executive Director may affirm, overrule or modify the decision to terminate the services.
3 The decision shall be final.

4 (E) In the event a hearing is requested, the services shall not be terminated
5 until and in accordance with that decision.

6 (F) The Executive Director shall establish rules or procedures for such
7 hearings.

8 (G) A nonrefundable hearing fee of \$50.00 shall accompany each appeal filed
9 pursuant to this §1-13.

10 1-14 SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, work or
11 phrase of this Ordinance is for any reason held to be invalid or unenforceable by any
12 court of competent jurisdiction, such decision shall not affect the validity of the
13 remaining provisions of this Ordinance. The Authority hereby declares that it would
14 have passed this Ordinance and each section, paragraph, sentence, clause, word or
15 phrase thereof irrespective of any provision being declared unconstitutional or otherwise
16 invalid.

17 1-15 EFFECTIVE DATE OF RATES. Except as otherwise provided herein, the rates
18 established herein shall become effective commencing on July 1, 2004.

19 1-16 EFFECTIVE DATE AND PUBLICATION. This Ordinance shall become
20 effective five days after publication by title and general summary.

21 1-98 VIOLATIONS.

22 (A) It shall be unlawful to use or cause to be used any water produced or
23 distributed by the Utility without the consent of the Authority. Water distributed through
24 authorized meter or obtained by any means authorized by ordinances or administration
25 rules and regulations shall constitute the consent of the Authority.

26 (B) It shall be unlawful to discharge or cause to be discharged any liquid
27 waste to the liquid waste collection or treatment system operated by the Utility without
28 the consent of the Authority. Approved connections or permits shall constitute such
29 consent.

30 (C) It shall be unlawful for any person to willfully break, injure, or tamper with
31 any property of the Authority, including but not limited to: wells, pump stations,
32 reservoirs, sewage treatment plants, lift stations, distribution lines, fire hydrant service
33 lines, meters, gate valves, manhole covers or grates.

1 (D) Violation of any of the above described occurrences shall be subject to a
2 connection service charge of \$400.00 per occurrence.

3 1-99 PENALTY.

4 Any person convicted of a violation of §1-98 or §1-3(D) or §1-5(G) or (H) shall be
5 subject to the penalty provisions set forth below. The Court may sentence any
6 corporation, club, organization or unincorporated association which has been convicted
7 of a violation of this article to pay a fine authorized herein.

8 Any person who violates any provision of this code for which another penalty is
9 not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500
10 or by imprisonment not exceeding 90 days or both unless a different specific penalty is
11 provided. Each separate violation shall constitute a separate offense and, upon
12 conviction, each day of violation shall constitute a separate offense.

13

14